

TOWN OF CUSHING  
PLANNING BOARD  
Minutes of Meeting  
September 7, 2005

**Board Present:** Chairman Mike Roberts, Bob Ellis, Evelyn Kalloch, Arthur Kiskila, CEO Scott Bickford and Secretary Deborah Sealey

**Board Absent:** Dan Remian

**Call to Order:** The Chairman called the meeting to order at 7:02 pm.

**1. Minutes of Previous Meeting:** Mr. Bickford asked for the following corrections to the last meeting's minutes: 1) Page 1, Item 3, Line 6 - remove the word "not", 2) Page 2, Item 5, Line 3 - change "Tower" to "McKean" and 3) Page 3, Item 6, last line - change the word "permit" to "application".

**ACTION:** Mrs. Kalloch made a motion, seconded by Mr. Roberts, to accept the minutes of the 8/3/05 meeting, as corrected.  
Carried 2-0-2 (Mr. Ellis and Mr. Kiskila abstained)

**2. Application by Kelly Fales and Robert Burns for road entrance permit in Shoreland Zone, Map 2, Lot 75A:** CEO Bickford said he had supplied a copy of the application to the chairman only. Mr. Bickford added that he had received DOT approval for an entrance off the River Road to the Burns/Fales property. He explained that the entrance would be only 105' from the shore. Mr. Ellis said he assumed the applicable part of the ordinance was Subsection 15G. Mr. Roberts remarked that at least the driveway met the setback from the high-water line. CEO Bickford said the entrance location met the criteria, but all roads within 250' of the shore were required to come before the PB.

**ACTION:** Mr. Kiskila made a motion, seconded by Mr. Roberts, to accept the application.  
Carried 4-0-0

**3. Application by Patricia Aboud for a building permit for 30% expansion of a home in Shoreland Zone, Map 6, Lot 90:** Rick Klepfer represented the applicants and explained that they were going to raise the house and put in a new foundation. In answer to a question from Mr. Ellis, Mr. Klepfer said the house was now on stone and concrete blocks; the new foundation would raise the house 2' to allow for insulation and a crawl space. In addition, the owners would be replacing the shed roof with a gable roof. Mr. Ellis asked the CEO for his opinion on adding a foundation under an existing non-conforming structure. Mr. Bickford responded that he did not know if the applicant would be allowed to move the structure, build a foundation and replace the building on it. However, he said a crawl space was allowed, though it was limited to 3' in height and could not be usable for any other purpose.

**ACTION:** Mr. Roberts made a motion, seconded by Mr. Kiskila, to accept the application.  
Carried 4-0-0

Mr. Klepfer asked if he had permission to set the entire building aside in order to make the foundation and the PB said he did.

**4. Application by Peter Stifel for pier permit, Map 7, Lot 42, to be presented by Art Tibbetts Marine:** Mr. Roberts noted that no one had appeared to represent the application and CEO Bickford said he had notified Tibbetts Marine that the item was on the agenda.

**ACTION:** Mr. Kiskila made a motion, seconded by Mrs. Kalloch, to table the application until a representative appeared.  
Carried 4-0-0

Mr. Bickford said he would send a letter to Art Tibbetts Marine stating that the application had been tabled until they appeared and approval copies had been received.

**5. Preliminary discussion of application for subdivision by Barrett Lynde, Map 4, portion of Lot 3:** Mr. Lynde displayed a map of his thirty-acre property and explained that he had sold one lot and had another under a sales agreement. He said he was proposing to build a road for four 5-acre lots and one 10-acre lot. There was a brief discussion of spaghetti lots. Mr. Roberts said that without the detailed plan he could not be sure, but it looked as though Mr. Lynde could move ahead. The Chairman noted that the subdivision would require covenants.

Mr. Kiskila said that the existing pond was not accessible and would require a turnaround at the end of the road. Other members of the PB suggested that a new pond be dug so it would be within 2000' of each lot. Mr. Kiskila noted that, alternatively, a 10,000 gallon water tank within 2000' of each lot would be acceptable. Mr. Roberts stated that the ordinance required a pond if possible and a tank was only a last resort. Mr. Roberts asked for a list of abutters within 500' so he could send notices. Mr. Lynde asked what he had to do before the next meeting and Mrs. Kalloch referred him to Pages 7 and 8 of the Subdivision Ordinance.

#### **6. Old Business:**

**A. Acceptance and/or discussion of Certificate of Fire Protection Completion:** CEO Bickford had drafted a Certificate of Fire Protection Completion form for the PB's consideration. Mr. Ellis asked that, after the form was signed by the Fire Chief, it be submitted to the PB for acceptance and signature of the PB Chairman. Mr. Roberts said that would be adding an unnecessary step because the ordinance required only the Fire Chief's signature. Mr. Ellis said he thought both signatures should be on the record and suggested adding that to the regulations. Mr. Kiskila said he felt a signed letter on Fire Dept. stationery was sufficient and there was no need to complicate matters. Mr. Roberts thought PB approval was redundant and would not help in a case where a lot was sold before the fire pond was completed.

CEO Bickford said he had been asked to provide a draft and felt there was an obligation to get the Fire Chief to record what he saw on a form. Mr. Kiskila noted that, even with a form, he could not have signed it for Mr. Tower's subdivision without doing a pump test. Mr. Roberts said the letter the Fire Chief had written for the Tower application was fine with him as long as it specified that "road access and turnaround were approved". Mr. Kiskila said he didn't like the form because it didn't say the pond had been tested and pumped. Mrs. Kalloch said she felt the letter was adequate if the words "as required by Cushing subdivision regulations" were added. Mr. Ellis said he thought a form should be used for consistency and Mr. Bickford agreed.

**ACTION:** Mr. Roberts made a motion, seconded by Mrs. Kalloch, to accept the Fire Chief's letter format with the additional language.  
Carried 4-0-0

**B. Acceptance and/or discussion of Certificate of Road Acceptance:** CEO Bickford had also provided a draft of a Certificate of Road Acceptance to the PB. Mr. Ellis requested that the form refer to regulations by number and that the PB sign the form after the CEO did. Mr.

Roberts suggested the PB just sign “as received”, not “as approved”. Mr. Bickford said he would add that to the form.

**ACTION:** Mr. Roberts made a motion, seconded by Mrs. Kalloch, to accept, with the added language “as received by the PB”, the CEO’s draft of the Certificate of Road Acceptance.  
Carried 4-0-0

**C. Discuss procedures regarding applications that may require Fact Finding Criteria; discussion of approval or denial of any application by majority vote, which must be clearly noted and recorded in the minutes:** Mrs. Kalloch explained that at the August 3 meeting votes were taken as to Findings of Fact but the applications themselves were not approved. The PB asked that those particular votes be taken at the October meeting.

**7. New Business:** CEO Bickford said there were inaccuracies in Cushing’s Shoreland Zoning Ordinance. He said the map in the Town Office (for which the Mylar existed) did not show long-standing commercial fisheries as such. Mr. Bickford noted that Shoreland Zoning had been voted in by the town and approved by the state and any inconsistencies should be corrected. The CEO cited two examples of problems caused by the inaccuracies: 1) Donny Young was concerned that his property was shown as Resource Protection when it should be Commercial Fisheries/Marine Activities and 2) Mr. Tower had provided maps showing no Resource Protection areas in his subdivisions when there actually were some.

Mr. Bickford proposed asking Mid-Coast Regional Planning to revisit and re-establish the slopes. He noted that any changes would have to go to the Selectmen for approval to be placed on a warrant. Mr. Roberts asked David Cobey if he would write it up in the proper language. Mr. Cobey said the Shoreland Zone maps would have to be matched to the tax maps to show exactly which lots were in the Resource Protection Zone.

Mr. Ellis said the PB had accepted what Mr. Tower told it and the CEO said the responsibility was Mr. Tower’s, not the PB’s. Mr. Cobey pointed out that some of Mr. Tower’s lots would have very little space in which to build once the maps had been corrected. Mr. Roberts said the PB would need to ask the Selectmen to fund a project to update the Shoreland Zone maps so they properly identified all four districts within the Shoreland Zone: Resource Protection, Commercial Fisheries, Limited Commercial and Limited Residential.

**ACTION:** Mr. Roberts made a motion, seconded by Mr. Ellis, that the PB investigate a review of Resource Protection, Commercial Fisheries, Limited Residential and Limited Commercial district designations, including review of existing approved subdivisions.  
Carried 4-0-0

The Board asked that corrected meeting minutes be emailed to Mrs. Kalloch in order to be posted on the town’s website.

**Adjournment:** Mr. Roberts made a motion, seconded by Mr. Ellis, to adjourn the meeting at 9:20 pm. Carried 4-0-0.

Respectfully submitted,

Deborah E. Sealey